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U.S.D.C. - Atlanta

JAN 22 2018

JAMES N. HATTEN, Clerk  
By: *gmo* Deputy Clerk

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA

IN RE:	)	
	)	
STAY OF CIVIL	)	
PROCEEDINGS IN THE	)	ADMINISTRATIVE ORDER NO.
UNITED STATES DISTRICT	)	
COURT OF THE NORTHERN	)	18-01
DISTRICT OF GEORGIA IN	)	
LIGHT OF LAPSE OF	)	
APPROPRIATIONS	)	

**ADMINISTRATIVE ORDER STAYING CIVIL PROCEEDINGS IN LIGHT  
OF LAPSE OF APPROPRIATIONS**

WHEREAS, federal funding for all functions of the United States lapsed at  
midnight of January 20, 2018,

WHEREAS, since that time, no appropriation bill or continuing resolution  
has been passed that would restore funding,

WHEREAS, attorneys and other employees of the Civil Division of the  
United States Attorney's Office for the Northern District, with limited exceptions,  
are prohibited from working, even on a voluntary basis, during the lapse of  
funding,

WHEREAS employees of other federal agencies who may have matters  
before the Court, with limited exceptions, also are prohibited from working, even  
on a voluntary basis, during the lapse of funding,

WHEREAS the United States of America, on behalf of the United States, its federal agencies, and its officers and employees, has filed an emergency motion for an administrative order staying all civil cases in which the United States, its federal agencies, and its officers and employees are named parties or in which the United States Attorney or any Assistant United States Attorney is counsel of record based on the current lapse in appropriations,

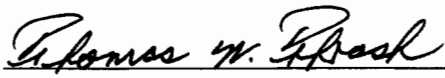
IT IS HEREBY ORDERED that any and all civil cases pending in the District Court of the Northern District of Georgia in which the United States, any of its federal agencies, or any of its officers and/or employees is a named party, including any such matter pending before a Magistrate Court Judge, is HEREBY STAYED until Congress has restored appropriations to the Department.

It is FURTHER ORDERED that any and all civil cases pending in the District Court of the Northern District of Georgia in which the United States Attorney or any Assistant United States Attorney is counsel of record, including any such matter pending before a Magistrate Court Judge, is HEREBY STAYED until Congress has restored appropriations to the Department.

It is FURTHER ORDERED that the United States Attorney's Office shall notify the Court as soon as Congress has appropriated funds for the Department or enacted another continuing resolution.

It is FURTHER ORDERED that at the point that Congress has appropriated funds for the Department or enacted another continuing resolution, all deadlines in place as of the date of this Order shall be extended commensurate with the duration of the lapse in appropriations.

SO ORDERED this 22 day of January, 2018.

  
THOMAS W. THRASH, JR.  
CHIEF JUDGE, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA

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JAN 22 2018

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA

JAMES N. HATTEN, Clerk  
By: *J. Matz* Deputy Clerk

IN RE: )  
)  
STAY OF CIVIL )  
PROCEEDINGS IN THE )  
UNITED STATES DISTRICT )  
COURT OF THE NORTHERN )  
DISTRICT OF GEORGIA IN )  
LIGHT OF LAPSE OF )  
APPROPRIATIONS )

**EMERGENCY MOTION FOR ADMINISTRATIVE ORDER STAYING CIVIL  
LITIGATION IN LIGHT OF LAPSE OF APPROPRIATIONS AND  
MEMORANDUM IN SUPPORT THEREOF**

The United States of America, by and through Byung J. Pak, United States Attorney, for the Northern District of Georgia, files this Emergency Motion for Administrative Order Staying Civil Litigation in Light of Lapse of Appropriations.

1. At midnight on January 20, 2018, the continuing resolution that had been funding the Department of Justice expired and appropriations to the Department lapsed. The same is true for most federal agencies. The Department does not know when funding will be restored by Congress.

2. Absent an appropriation or continuing resolution, Department of Justice attorneys and employees are prohibited from working, even on a

voluntary basis, except in very limited circumstances, including “emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342. With limited exceptions, this includes attorneys and other employees in the Civil Division of the United States Attorney’s Office for the Northern District of Georgia.

3. The United States of America therefore requests a stay of any and all<sup>1</sup> civil cases in the District Court of the Northern District of Georgia in which the United States, any federal agency, or any federal officer and/or employee (in their individual or official capacity) is a named party, until Congress has restored appropriations to the Department. This includes all proceedings in civil cases in which the United States Attorney or any Assistant United States Attorney is counsel of record.

4. If this motion for a stay is granted, undersigned counsel will notify the Court as soon as Congress has appropriated funds for the Department or enacted another continuing resolution. The Government requests that, at that point, all

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<sup>1</sup> This includes civil matters pending before Magistrate Judges for the District Court of the Northern District of Georgia, including Social Security matters brought against the Acting Commissioner of Social Security.



current deadlines for the parties be extended commensurate with the duration of the lapse in appropriations.

While we regret any disruption caused to the Court and the other litigants, the Government therefore moves for a stay of all civil cases in the District Court of the Northern District of Georgia in which the United States, any federal agency, or any federal officer and/or employee is a named party and/or in which the United States Attorney or any Assistant United States Attorney is counsel of record, until Department of Justice attorneys are permitted to resume their usual civil litigation functions. For the Court's convenience, a proposed Order is attached.

This 22<sup>nd</sup> day of January, 2018.

Respectfully submitted,

BYUNG J. PAK

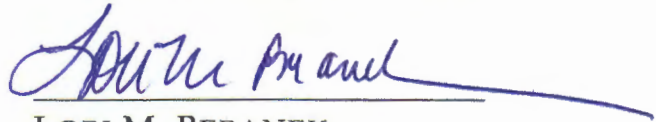
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LORI M. BERANEK

*Civil Chief*

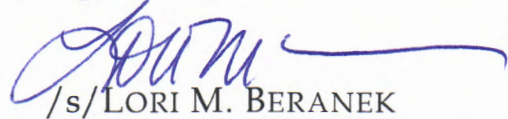
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### **Certificate of Compliance**

I hereby certify, pursuant to Local Rules 5.1 and 7.1D, that the foregoing brief has been prepared using Book Antiqua, 13 point font.



/s/ LORI M. BERANEK

*Assistant United States Attorney*